IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINTH DAY OF FEBRUARY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 2044 of 2005

Between:

K. Srinivasu S/o K. Ramdasu,
O/o Divisional Engineer, (Const)A.P.S.P.D.C.L, Ongole,
Prakasam District.

..... PETITIONER

AND

1. Southern Power Distribution Company of A.P., Limited

represented by its Divisional Engineer (O),
Narsaraopet, Guntur District.
2. Southern Power Distribution Company of A.P. Ltd.,

represented by its Divisional Engineer, (Construction),

Ongole, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or directions, more particularly one in the nature of *Writ of Mandamus* declaring the action of the 1st respondent in indicating recovery of amounts in the L.P.C. of the petitioner, through his Letter No.DEE/O/NRT/JAO/UI/D.No.1114/04, dated: 1-12-2004, as illegal, arbitrary and un-constitutional being violative of Articles, 14, 16, 21 and 39(b) of the Constitution of India and consequently direct the respondents to pay the salaries to the petitioner from 15-10-2004 onwards, duly staying the recovery of the amounts from the salary of the petitioner.

Counsel for the Petitioner: MR.B.A.PRAKASH REDDY

Counsel for the Respondents: MR.SAMINENI KISHORE

The Court made the following:

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ORDER:

Challenging the action of the first respondent in indicating the recovery of amounts in the Last Pay Certificate of the petitioner, through his letter No.DEE/O/NRT/ADM/JAO/U1/D.No.1114/04, dated 1.12.2004, the present writ petition is filed.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

3 . As seen from the impugned Last Pay Certificate, it seems that some statutory deductions have been deducted up to October 2004. But the grievance of the petitioner is that with regard to the indicating of recovery of Rs.68,124/- in pursuance of the court attachment order in E.P.No.255 of 2000 in O.S. No.153 of 1996. But, this recovery cannot said to be an illegal. The respondents are bound to obey the directions of the Court. If the petitioner is aggrieved with regard to the attachment, he has to approach the executing Court. Therefore, the writ petition is totally devoid of merits and liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

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(K.C. BHANU, J)

Date: 09.02.2005

Ksn

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. Southern Power Distribution Company of A.P., Limited

represented by its Divisional Engineer (O),
Narsaraopet, Guntur District.
2. Southern Power Distribution Company of A.P.Ltd.,

represented by its Divisional Engineer, (Construction),

Ongole, Prakasam District.

3. 2 CD copies

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